

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GARY KEMP,

Petitioner,

-against-

JOSEPH NOETH,

Respondent.

20-CV-9121 (CM)

ORDER DIRECTING ORIGINAL  
SIGNATURE

COLLEEN McMAHON, Chief United States District Judge:

Petitioner brings this action *pro se*. Petitioner submitted his petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, without a signature.<sup>1</sup> Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” *See also* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

Petitioner is directed to resubmit the signature page of the petition with an original signature to the Court within thirty days of the date of this order.<sup>2</sup> A copy of the signature page is attached to this order.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. No answer shall be required at this time. If Petitioner fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

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<sup>1</sup> Petitioner has also not included pages in his petition that state his grounds for relief.

<sup>2</sup> Nothing in this order prevents Petitioner from filing an amended petition stating his grounds for challenging his conviction and sentence.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: November 4, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge